
IRU seeks Mobility Package ruling clarification from European Commission

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On 4 October 2024, the Court of the European Union published its decision on several Mobility Package 1 provisions – related to the posting of drivers, driving and rest time rules and market access – that were contested by Member States. The Court annulled the rule on the return of the vehicle, but it confirmed the validity of all other contested provisions.

Now, the EU road transport sector requires clarification on the practical implications of the judgment. In particular, there is still uncertainty among relevant stakeholders on the immediate effects of the Court’s decision. In addition, transport operators would like an official position on how the ruling impacts the fines that pre-date the judgment.

[**IRU sent a letter**](#) to the European Commission today requesting formal answers on the practical implications of the Court’s judgment.

IRU EU Advocacy Director Raluca Marian said, “While the Court of the European Union has clearly stated that the provision requiring transport operators to return vehicles home every eight weeks is null and void, we often receive a simple question, ‘Can I still be fined for not bringing my vehicle home?’

“It may be clear to us that the Court’s decision has an immediate effect but the hundreds and thousands of micro enterprises who carry out transport in the EU are not all familiar with the complicated ruling system of the EU Court.

“As the Commission has capably guided the sector so far, everyone is now looking towards the Commission and waiting for an official acknowledgement. At the moment, the Commission’s webpage on market access rules does not even list the Court’s decision and is still explaining how the vehicle should go back home.”

In addition to the return of the vehicle, IRU has also sought clarification on how the Court’s ruling affects the understanding and practical enforcement of at least two other specific areas where the European Commission has already provided clarification: the return of the driver; and the common understanding of the posting and non-posting situations of the driver.

“IRU envisages a two-step approach, with a very urgent clarification on the return of the vehicle provisions and a longer analysis of the Court’s reasoning on the other grounds,” said Raluca Marian.

The Court’s decision marked a major step in the interpretation and clarification of Mobility Package 1 rules. IRU will continue its efforts to ensure a consistent application of provisions and streamline their enforcement, in collaboration with the European Commission, the European Labour Authority, Member States and enforcement organisations.

(IRU)